



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF MARCH 10, 2005**

CALL TO ORDER: Chairperson Harrison called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Harrison, Commissioners Chan, Lorenz, Lydon, Sharma, and Weaver

ABSENT: Commissioner King

STAFF PRESENT: Jeff Schwob, Planning Director  
Larissa Seto, Senior Deputy City Attorney II  
Norm Hughes, City Engineer  
Barbara Meerjans, Associate Planner  
Jennifer Andersen, Redevelopment Project Manager  
Deborah Ungo-McCormick, Planning Consultant  
Alice Malotte, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Henry Garcia, Video Technician

APPROVAL OF MINUTES: None

**CONSENT CALENDAR**

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 2, 3, AND 4.

IT WAS MOVED (WEAVER/SHARMA) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 1, 2, 3, AND 4

**Item 1. PALO ALTO MEDICAL FOUNDATION BUILDING 2 ARTWORK – 3200 Kearney Street – (PLN2004-00139)** – to consider approval of artwork (publicly visible art glass at the building entry) for a previously approved three-story, 73,600 square foot medical office building. A Mitigated Negative Declaration was originally prepared for this project.

**Commissioner Sharma** recalled that artwork was to be outside the building and he asked for a clarification of Condition A10.

**Planning Director Schwob** replied that the concept of the art glass had been discussed with no specific design in mind. It was originally to be a part of the landscape.

**HOLD PUBLIC HEARING;**

**AND**

**APPROVE THE PUBLICLY VISIBLE GLASS ARTWORK BY ARTIST DANIEL WINTERICH, AS SHOWN ON EXHIBIT "A".**

- Item 2. UNION STREET TOWNHOMES – 3536 Union Street – (PLN2005-00027)** - to consider a general plan amendment from 15-18 dwelling units per acre to 18-23 dwelling units per acre, a rezoning from R-G-29 to Planned District, site plan and architectural approval and an environmental impact assessment to allow a 12 unit townhouse development on 0.54 acres located in the Irvington Planning Area. A Mitigated Negative Declaration has been prepared for this project.

**CONTINUE TO MARCH 24, 2005.**

- Item 3. SANDHU RESIDENCE – East King – (PLN2005-00058)** - to consider a Conditional Use Permit and Preliminary Grading Plan for the development and use of a 16,214 square foot single-family residence located in the Hill Area of the Niles Planning Area. A Mitigated Negative Declaration has been prepared for this project.

**CONTINUE TO A DATE UNCERTAIN.**

- Item 4. CITY BEACH INC. – 4020 Technology Place – (PLN2005-00067)** - to consider a Finding and referral of an Amendment to a previously approved Zoning Administrator permit to allow ancillary live or recorded entertainment in conjunction with an existing recreational facility with a full-service restaurant located in the Industrial Planning Area. A Mitigated Negative Declaration has been previously prepared for this project. Because no new impacts have been identified, no further environmental review is necessary.

**CONTINUE TO MARCH 24, 2005.**

The motion carried by the following vote:

AYES:	6 – Chan, Harrison, Lorenz, Lydon, Sharma, Weaver
NOES:	0
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

**Commissioner Lorenz** asked if a short explanation could be added to the continued items on future agenda that described why the continuance was being recommended by staff.

**Planning Director Schwob** asked him if he would like explanations for the current continued items.

**Commissioner Lorenz** stated that explanations would be helpful. He stated, for the record, that staff did not necessarily request a continuance; sometimes, the applicant requested a continuance, and he understood that the transaction between the two parties should be resolved before being heard by the Commission.

**Planning Director Schwob** explained the following:

- Item 2, planner felt that additional time was needed to fully resolve certain details
- Item 3, additional information was received from applicant and it needed to be reviewed by a consultant
- Item 4, some draft conditions had not been fully resolved

## **PUBLIC COMMUNICATIONS**

## **ORAL COMMUNICATIONS**

## PUBLIC HEARING ITEMS

- Item 5. **CENTERVILLE MARKET PLACE – 37070 Fremont Boulevard – (PLN2005-00129)** - to consider a Preliminary and Precise Planned District and a Preliminary Grading Plan for a vertical mixed-use development on a 6.6-acre site located in the Centerville Planning Area. A Mitigated Negative Declaration has been prepared for this project.

### **MODIFICATIONS TO CONDITIONS**

The following are modifications to the conditions of approval based on new information received after preparation of the staff report and discussions with the applicant.

#### **General Conditions**

- A-8 ~~Recommendations of the Phase II Site Assessment regarding further contamination characterization and cleanup of the site shall be completed. Remediation of the site is ongoing and clearance of the site is subject to approval from the Regional Water Quality Control Board and the Department of Toxic Substances Control. The closure of the current business and building demolition requires a closure letter issued by the appropriate authority prior to any residential construction on the site. Necessary permits shall be obtained from all applicable regulatory agencies.~~ (moved to F-20)
- A-9 A noise assessment shall be prepared during the building permit review of the project. The analysis shall make recommendations regarding noise mitigation in compliance with the General Plan that shall be incorporated into the construction documents. Mitigation measures may include mechanical ventilation, and ~~sound transmission class (STR)~~ **outdoor/indoor transmission class (OITC)** windows at the ratings levels to be determined in the report. A final evaluation by a qualified noise professional of the ~~actual implemented~~ **drawings and specifications relating to** noise attenuation devices and techniques would be required prior to the issuance of building permits.
- A-10 All construction equipment used on the project should be adequately muffled and maintained. Construction activities shall be limited to the following hours of operation:
- 7 a.m. to 7 p.m. Monday through Friday  
9 a.m. to 6 p.m. Saturday **and Sunday**  
~~No Construction Activities on Sunday~~
- A-16 Outdoor Dining is allowed subject to mandated accessibility requirements and applicable Alcohol Beverage Control Board requirements. Outdoor dining is permitted year-round in the Market Place Plaza, **and the two mini-plazas on each side of the garage access walkways, and where the sidewalk is fourteen feet, the first five feet next to the building may be used for outdoor dining. Where the sidewalk exceeds fourteen feet outdoor dining is permitted next to the building. However, in no case shall there be less than six feet of unobstructed sidewalk.** ~~within the first five feet of walkway adjacent to any restaurant frontage.~~ The Outdoor Dining Area within each plaza may not exceed 50% of the area of the plaza when combined with the Outdoor Sales Area within the same plaza.
- A-17 Disapproved Uses. In addition to any other uses prohibited by applicable federal, state, or local laws or regulations, the following uses will not be permitted in the Retail Rental Improvements (the "Disapproved Uses"): adult oriented establishments whether for sale, rent or on-site use or viewing including adult book stores/adult cabaret/adult motion picture theater/or adult arcade; veterinary hospital or kennel or

similar animal-related uses; establishments for sale or rent of funerary supplies, mortuary or related activities or services; arcade for video games, pool or billiards or other games except as incidental to an Approved Use; internet computer centers; karaoke establishments; nail salons, hair salons, or barber shops; day spas; medical services; fast food establishments; establishments involving drive-through retailing; establishments whose primary business is the sale of cellular/mobile phones; night clubs; manufacturing facility other than the brewing of beer in conjunction with a retail use; facility for repair of any appliances/vehicles or other products except as insubstantial and incidental to Approved Uses; establishments for the sale of convenience goods except as incidental to Approved Uses; establishments for the sale, storage, rental, and/or servicing of vehicles and vehicle parts; service station for the sale of gas, oil and related products; facility using/storing or treating hazardous materials or facility for rent or storage spaces or for warehousing except as incidental to an Approved Use and consistent with all applicable law, rules and regulations; facility for the housing of passive components such as digital switching units; establishments creating nuisances or other activities that unreasonably intrude upon the peaceful enjoyment of nearby tenants and property owners, ~~including without limitation bad odors, loud noises, bright lights, substantial number of loiterers, trash and garbage and unhealthful or dangerous situations,~~ or other uses similar in nature but not specifically listed above under Disapproved Uses, provided that activities conducted in compliance with applicable laws, including but not limited to the City noise ordinance, shall be determined not to constitute a nuisance or unreasonable intrusion. As used in the preceding paragraph, "Approved Use" means a use described in above conditions.

**A-18 A Planned Sign Program (PSP) is required subject to the guidelines discussed in the report and as indicated in Exhibit "B". No retail signs shall be located above the twenty (20) feet high retail frontage area. Small internally illuminated signs or letters (such as logos) may be allowed subject to review and approval by the Planning Director.**

**A-19 The private street (Market Street) may be closed for special events and maintenance but may not be closed for more than four consecutive days.**

#### **Building Design**

C-1 All rooftop mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, open air on-site parking, and neighboring residential properties. **Mechanical equipment located in the parking garages is considered screened by the parking structure but shall be located to be as unobtrusive as possible within the parking structure. The small mechanical units located in the private residential patios shall be considered screened by the patio wall.**

C-2 Final building design, colors and materials shall be consistent with Exhibit "B" (Site, Architecture, and Landscape Plans) and Exhibit "C" (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors **should there be deviations from approved exhibits. Staff will review painted color samples on the buildings during the construction process.**

C-3 *The final design, layout, and construction of the proposed development shall conform to the Security Ordinance, No. 2007 **2484**, as amended, including a lighted street address and appropriate security measures, subject to the review and approval of staff during the Development Organization review process.*

## Fire Department Conditions

- F-6 The applicant shall provide for approval a site plan/ Civil Utility Plan with the location of public, on-site fire hydrants and Fire Department Connections location(s). **The applicant shall provide new fire hydrants subject to approval of the Fire Department. The number and locations shall be determined with the tentative tract map.** The applicant shall install six new fire hydrants on Fremont Blvd. Going east to west they shall be located #1 at driveway near Taco Bell, #2, 300 feet west of #1 at Market St., #3, 300 more west at entrance to parking and the last one 300 feet west of #3 at the westerly parking entrance. #5 shall be installed at the entrance to the lobby /stairwell in the parking level of the residential complex, #6 at the entrance to the parking garage on the Fremont Blvd side to the right of that entrance in the planter box.
- F-8 **During construction** the applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. CFC 901.3, C.F.C 903.2. and C.F.C 903.3 Indicate as Fire Prevention note on plan sheets.
- F-16 The Fremont Fire Department (FFD) has the responsibility to respond to life threatening emergencies, fires and other types of emergencies at the location you are involved with. We would like to work with you in utilizing the drawings you've created to help protect the citizens of Fremont. When submitting your application for a building permit we request that your plan set include a site plan, exit plan and floor plan for fire department use only. These plans should be in hard copy and digital format.

~~Attached you'll find several example drawings showing what we're trying to accomplish with your help. When assisting us, you do NOT need to have architects stamped seal on any modifications you submit to the FFD Complex Card Division. Please utilize the guidelines below. If you have any questions, don't hesitate to call me at 510-791-4292 or you can e-mail me at gfogel@ci.fremont.ca.us~~

The Site Plan should include:

- Fire Hydrants
- Fire Department Connections for wet and dry standpipes (FDC)
- Fire Sprinkler Connections (FDC)
- Automatic Sprinkler Riser (ASR)
- Post Indicator Valves (PIV)
- Fire Alarm Control Panels (FACP)
- Main Electrical and Gas Shut-offs
- Emergency Air Systems (4 stories or more)

An Exit Plan should be included for each floor.  
A Floor Plan should be included for each floor.

~~Digital drawings should be formatted in DWG or DXF. In order to reduce the size of the file and keeping our goal in mind, please remove unnecessary keynotes, symbols and layers. You may e-mail me this information (gfogel@ci.fremont.ca.us) or send by US mail to City of Fremont Fire Department, 3300 Capital Ave Bldg "B", P.O. Box 5006, Fremont, CA 94537-5006, Attention Captain Fogel. If field changes are made please send "as built" plans in a hard copy, and either a CD rom or floppy disk.~~

Please include a contact name and phone number if we need to contact you regarding your drawings. Indicate as Fire Prevention note on plan sheets

- F-17    The informational Code report submitted by the architects Loving and Campos shall be included on drawings submitted for building permit approval.**
- F-18    The cache room/fire equipment shall include two ladders that can reach the tallest rescue window on the residential podium levels (approximately 24 feet). Locations for storage of the ladders subject to review during building permit review.**

#### **Hazardous Materials**

- ~~F-17    The portion of the facility to be converted to another use, shall be free of any reported hazardous materials and properly closed with the local agency (ies), as required by California Health and Safety Code, Chapter 6.95, and as detailed in the Hazardous Materials Business Plan filed with the City of Fremont Fire Department.~~
- ~~F-4819    The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.~~
- ~~F-4920    The applicant must submit a Phase 1 and/or Phase 2 environmental site assessment(s). Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review. **Prior to the conveyance of the property, the Redevelopment Agency of the City of Fremont shall comply with the Recommendations of the Phase II Site Assessment regarding further contamination characterization and cleanup of the site shall be completed. Remediation of the site is ongoing and clearance of the site is subject to approval from the Regional Water Quality Control Board and the Department of Toxic Substances Control. The closure of the current business and building demolition requires a closure letter issued by the appropriate authority prior to any residential construction on the site. Necessary permits shall be obtained from all applicable regulatory agencies.**~~

#### **Landscape Architecture Conditions**

- G-4    No utility boxes or lines shall be located in planters without approval by City staff during review of tract map improvements and building permit application.** Utility locations shall be coordinated with PG&E, ACWD and Joint Trench plans so that meters are banked.
- G-9    The proposed project shall preserve Tree # 15 Holly Oak and Tree # 17 California Pepper as identified on the Tree Survey Plan. Preservation shall be accomplished through the use of tree protection zones and pruning. The pruning shall be in strict accordance with the Arborist recommendations and supervised on site by the Arborist. In addition trees # 1-7 and #10 as identified on tree survey plan shall also be ~~preserved.~~ **protected****

**Planning Director Schwob** stated that the above changes had been discussed with the applicant and approved by him.

**Chairperson Harrison** disclosed that he was a partial owner in a company that had a leasehold interest near the property. He noted that he had reviewed the Conflict of Interest Codes and that his participation would not have a material impact on his company's lease.

**Commissioner Lorenz** disclosed the exact same information.

**Peter Stackpole**, architect with Loving and Campos, introduced the Charter development team, which included owner Jim Tong, Landscape Architect David Gates, Civil Engineer Bob Chin and Legal Counsel Paul Kozachenko, along with Stan Stadelman of Loving and Campos. The project was substantially the same as was presented eight months ago. The changes were:

- Townhomes had been arranged differently on the two podiums and now included some one-story units, which would diversify the mix.
- Club house and spa amenities were relocated on the main podium level.

**Mr. Stackpole** continued by stating that the spaces between all the units had better scale and would feel more pedestrian oriented. The plaza was improved by eliminating some large planters and the pavilion was smaller and moved to provide a "more useful space." The city had decided not to pursue the walkway from Bonde Way to the project, at the moment, but the design included a connection within the project for the walkway in the future. Input from various groups within the city had contributed to refinements made to the plan during the past eight months. He complimented staff for their thoroughness and noted that it made the project better. Eight colors would make up the color palette. The size of the units had increased. The parallel parking proposed on Fremont Boulevard was not possible. He asked for the Commissioners' questions.

**Commissioner Lorenz** stated that he had spoken to the surrounding business and found that they were all very enthusiastic and were looking forward to the start of construction, as was he. He asked how this project would blend with whatever was developed on the vacant property on the corner of Post Street and Thornton Avenue and the surrounding properties.

**Mr. Stackpole** displayed a photo that showed how just the top of the project would be visible from the middle of the block.

**Commissioner Lorenz** asked and **Mr. Stackpole** answered:

- *How tall was the wall shown on the west elevation?*  
It was approximately 23½ feet high.
- *How would Fremont Boulevard be changed and would there still be access to businesses on the west side?*  
The median may get wider and a foot may be added to the width of the street at the narrow end.
- *What kind of barrier would be constructed between this project and the cemetery?*  
A painted, metal fence that matched the existing fence would be constructed leaving room for access at a later date.

**Commissioner Sharma** noted that some of the townhomes would be above the retail portion of the project and some would be on the parking podiums. Exactly what would buyers own and what would be their responsibilities? He questioned Page A-30 and the way it was written.

**Mr. Stackpole** replied that the buyer would own "the air space of the unit, itself; they don't own anything below them in the retail space." The concrete "lid" over the retail portion should

not allow retail noise to migrate up to the townhomes. The retail elements would be commercial, condominium spaces, which would be wholly owned by Charter Properties. Page A-30 concerned signage and the master sign program would address it in detail.

**Associate Planner Meerjans** explained that small, internally illuminated logo signs would be allowed, along with non-illuminated signs with die-cut metal letters. She agreed to clarify the planned sign program.

**Planning Director Schwob** suggested changing the language of Page A-30 a part of the motion.

**Commissioner Lydon** asked if he was standing on the corner of Bonde Way and Fremont Boulevard, how would he proceed to the center of the project. He asked if, in the future, he would be able to walk up Bonde Way and take the path into the project.

**Mr. Stackpole** stated that one would walk along the retail frontage to Market Street. He agreed that when the city decided to construct the path, the project could be accessed from Bonde Way and an easier connection could be had to the railway station.

**Commissioner Weaver** asked which 17 units would be designated as affordable housing and if they would be 1,180 square feet in size.

**Mr. Stackpole** replied that the units would be mixed throughout the project and he pointed out the units on a rendering. She was correct about the size.

**Project Manager Anderson** added that the actual affordable housing units had not yet been negotiated and assigned.

**Commissioner Chan** asked the price range and what the below-market rate units would sell for. She asked if the planned security system would include camera surveillance. What would the large water feature look like?

**Paul Kozachenko** replied that the prices would depend upon future interest rates. However, it was anticipated that the range would be between 400,000 and 440,000 thousand dollars. The below market-rate unit would sell for an amount reached by a formula. The security system had not been finalized, but camera surveillance was possible.

**Project Manager Anderson** agreed that the below-market units would be a fixed rate and would be much less than the market-rate units.

**Mr. Stackpole** pointed out the plaza fountain on a rendering.

**David Gates**, landscape architect, described the fountain as a series of stacked granite slices with the edge designed for seating. It would be visible from either end of the sidewalk and from Market Street.

**Commissioner Chan** asked if increasing the width of Fremont Boulevard would impact the current plans.

**Mr. Stackpole** stated that increasing the width of Fremont Boulevard would decrease the width of the sidewalk in front of the building at that point.

**Chairperson Harrison** asked if decreasing the sidewalk at that point would impact potential outdoor dining. He asked where he would be standing to see what the East Elevation showed and was that an existing tree. What kind of maintenance would the proposed trees need? He asked if the design of the bike rack shown was a standard fixture.



**Mr. Stackpole** agreed, as the dining establishments would not be located in that portion of the project. He stated that the cemetery bordered the right hand side of the elevation and the tree was existing.

**Mr. Gates** stated that the proposed trees would match what was already there. The bike racks were a city standard and would be placed in alcoves and would be seen as one approached them.

**Commissioner Lorenz** asked if the streetlights, as shown in L-5, would have electrical outlets.

**Mr. Stackpole** replied that either the light poles would have electrical outlets or power would be available at the back of the seat walls in the planters at the base of the trees on Market Street.

**Chairperson Harrison** asked if maintenance would be the responsibility of the landlord or the retail tenants. Had the letters of intent for 45 percent of the retail space been received by the city?

**Mr. Kozachenko** stated that a master owners association would be created with residential owners a part of one and the retail tenants would be part of the other, which would be controlled by the developer. It was not decided, yet, how it would be addressed. The city had seen the letters of intent.

**Commissioner Chan** asked how the offsite valet parking opportunities would be created.

**Mr. Stackpole** stated that other landowners in the neighborhood would be contracted with during hours that did not conflict with their normal hours of use, i.e., Dale Hardware.

**Chairperson Harrison** opened the public hearing.

**Mr. Stackpole** closed with stating that the project was ready to go and he was excited about getting it under way.

**Chairperson Harrison** closed the public hearing.

**Commissioner Weaver** expressed excitement about the project. It would create a nice, urban design, which was exactly what was needed for Centerville. It would be wonderful for the merchants and the combination of retail space and residences would be an asset. She asked that the affordable units include at least one of the larger units.

**Chairperson Harrison** asked if the table of contents had been included within the exhibit. He asked about the zoning label. If the Commission recommended this application to Council, what would happen next?

**Associate Planner Meerjans** replied that she would make sure the table of contents was included with the packets sent to City Council.

**Planning Director Schwob** answered that the zoning label would be P-2005-129, which would function with the PLN file number. If Council approved it, an ordinance would be introduced, it would be adopted approximately one week later and it would take effect in 31 days. The subdivision map and private street will come back to the Commission for review.

**Project Manager Anderson** added that City Council and the Redevelopment Agency Board would hear this project on March 22<sup>nd</sup>.

**Commissioner Sharma** asked why karaoke establishments were on the list of disapproved uses, as he had noticed that it was popular and more restaurants were employing it.

**Project Manager Anderson** did not recall why karaoke was not allowed. She suggested making it allowable when the motion was made.

**Planning Director Schwob** believed that this disapproval was for karaoke facilities that had many karaoke booths. A single karaoke machine in restaurants was not precluded by this ordinance.

**Chairperson Harrison** likened the ordinance to a similar ordinance that allowed a pinball/video machine or pool table in a facility, but not a pinball/video or pool table hall.

**Commissioner Lydon** stated that this project represented a great opportunity for the city. However, more importantly, city staff, the developer and the community had worked hard to bring an opportunity that, hopefully, would spawn this type of thinking in other places within the city.

**Chairperson Harrison** expressed hope that a parking problem occurred very soon, as this was a great idea for the city. He commended the applicant (and staff) for working with all interested entities.

**Commissioner Sharma** noted that no speakers were present who disagreed with this project. He believed it was because the applicant had performed good communication with the interested parties. It was a great project for the city.

**Commissioner Chan** stated that this proposal was exciting to see and was a breath of fresh air. She asked if it was available for city residents to review. She thanked the applicant and city staff for a fine project.

**Associate Planner Meerjans** replied that it was available at the public counter, as well as, from the City Clerk, the Redevelopment Agency and the Planning Department. Portions would be available on the city web site.

**Commissioner Sharma** asked that the motion include the removal of the list of inappropriate signage and only the acceptable list of signs be included.

IT WAS MOVED (WEAVER/LORENZ) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION **HOLD PUBLIC HEARING;**

**AND**

**FIND THAT THE MITIGATED NEGATIVE DECLARATION ADEQUATELY ADDRESSES THE PROPOSED PROJECT AND RECOMMEND THAT THE CITY COUNCIL ADOPT THE MITIGATED NEGATIVE DECLARATION;**

**AND**

**FIND PLN2005-00129 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN AND THE CENTERVILLE SPECIFIC PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS AND CENTERVILLE SPECIFIC PLAN AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**

**FIND PLN2005-00129, AS PER EXHIBIT "B" (SITE PLAN, FLOOR PLANS, ELEVATIONS AND LANDSCAPE PLAN), FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;**

AND

ACCEPT AS COMPLETE:

EXHIBIT 1 - PROFESSIONAL TEAM ENDORSEMENT

EXHIBIT 2 - PROPERTY OWNER CONSENT LETTER

EXHIBIT 3 - PROPERTY DESCRIPTION

AND

RECOMMEND TO THE CITY COUNCIL THE REZONING AS SHOWN ON EXHIBIT "A" (ZONING EXHIBIT INCLUDING UPDATING OF FIGURE D-1 OF THE CENTERVILLE SPECIFIC PLAN) AND EXHIBIT "B" (PRELIMINARY AND PRECISE SITE PLAN, PRELIMINARY LANDSCAPE PLAN, FLOOR PLANS AND ELEVATIONS) AND EXHIBIT "C" (MATERIAL COLOR AND SAMPLE BOARD) FOR PLN2005-00129 BE APPROVED, BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "D";

AND

RECOMMEND TO THE CITY COUNCIL THE PRELIMINARY GRADING PLAN AS SHOWN ON EXHIBIT "E" (PRELIMINARY GRADING PLAN) BE APPROVED, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF EXHIBIT "F" (PRELIMINARY GRADING FINDINGS AND CONDITIONS);

AND

RECOMMEND PLN2005-00129 TO THE CITY COUNCIL.

The motion carried by the following vote:

AYES:	6 – Chan, Harrison, Lorenz, Lydon, Sharma, Weaver
NOES:	0
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

## MISCELLANEOUS ITEMS

**Item 6. GREENBRIAR HOMES COMMUNITIES – Deer Road – (PLN2005-00188)** - to review and provide comment on a conceptual grading design for the development of single family homes. In general, the proposal involves utilization of flat building pads instead of split pads in a R-1-6(H-I), Single Family Residential - Hillside Combining Area zoning district. The project site is located on an approximately 4.28-acre site on the east end of Deer Road in the Alameda County Water District property.

**Planning Director Schwob** noted that the Planning Commission would not make a decision on the merits of the project, but would discuss the grading of the site and the options for grading the site. A recommendation would be made to City Council, which would also hold a public hearing concerning the grading issues. Once the grading design was developed, the applicant would design a project that would comply with the directed grading design. It in turn would come back to the Planning Commission for a public hearing only on the Alameda County Water District (ACWD) portion. Regarding the San Francisco Public Utilities Commission (SFPUC) property, it would require a General Plan and zoning change, as well as a subdivision proposal, that would ultimately be heard by Council for approval. For the record, staff had received a number of comments and letters from the following:

- Greenbriar Homes
- Melanie and Jeff McDowell
- Fernando and Betty Castorina
- Theresa and Todd Makiyama
- Law Offices of Stewart and Flashman
- Jeff Steele

- Annette and Gerald Jong
- Anthony and Linda Brunetti
- Frank and Lee Chung

**Planning Director Schwob** continued that the site in question was the 4.28-acre ACWD property. However, the applicability of the Planning Commission's recommendations could affect not only this property and the SFPUC property, but all properties that were in the Hillside Combining District. The original hill development policies had been amended many times since 1967, particularly with the Hill Initiative of 1981, Measure A. He read a quote from Measure A, in the standards for the hill area, Subsection C, "All developments shall be designed to minimize disturbances of the natural terrain and vegetation." It was the Hill Combining District and hill development policies of the city that implement Measure A. Another question to be considered was whether the new initiative, Measure T, applied to the property. He pointed out a graphic that showed where staff believed the toe of the hill line lay. It was the applicant's intent to propose development that would not affect the area above the toe of the hill. The rest of the hill all the way down to Mission Boulevard was subject to Measure A. Staff recommended that the policies and ordinances currently in effect should be implemented and that the applicant should be directed to develop the lots using either split pads or conform the homes to the natural terrain of the land rather than to grade flat pads. He introduced Deborah Ungo-McCormick, Project Planner.

**Chairperson Harrison** announced that the public would be allowed to speak for three minutes, rather than the usual five minutes, due to the number of people who have indicated they wish to speak. He disclosed that he had spoken with the applicant today.

**Katja Kamangar**, Greenbriar Homes, displayed a map that showed the property highlighted in green. A previously approved, five-lot home subdivision was to the north; property owned by the East Bay Regional Park District was to the east; property owned by Hardkoff was to the south; and immediately to the west was a 7-acre parcel owned by the SFPUC, for which her company was in contract. Further to the west was an existing residential neighborhood. She agreed that the property was subject to Measure T and was also subject to the city's planning policy for the hill area development. She stated that her company would be working with staff to decipher where exactly the toe of slope line was. In her opinion, flat pads for this site had merit and early feedback from the Planning Commission was necessary. The visual effect to the existing neighbors would be less and it would provide for balanced earthwork. She displayed cross-sections of four lots that showed the difference in grading for a flat pad and a split pad. The elevation of a home on a flat pad would be 10 feet lower than on a split pad. The neighbors who would view these homes live below the development and a 10-foot difference in height was substantial. For this reason, the spirit of Measure A would be met. She displayed photos taken from Canyon Heights Drive and a new home was superimposed on the photo that showed how it would look when built on a flat pad and on a split pad. An unused 5 million gallon water storage tank would have to be removed from the SFPUC property and the material taken from the flat pads would be used to fill the huge hole created by the removal of the tank. Thus, truckloads of imported/exported soil traversing through the neighborhood would be avoided.

**Commissioner Lydon** asked why the 5 million gallon water tank was not needed, anymore.

**Ms. Kamangar** replied that the tank had not been functional since the 1950s. At this time, it was completely empty.

**Commissioner Chan** asked if Greenbriar had an actual understanding with the SFPUC concerning development of that parcel. Was it definite that her company would develop both properties? She asked if 5500 yards of soil would have to be exported if the split-pad was used. Was there a financial consideration for her to have the SFPUC property to move the soil to and what was the plan for storing the dirt while waiting to have access to the SFPUC

property? How many homes were planned for the SFPUC site? Had Greenbriar held community meetings with the surrounding neighbors to obtain their input? She asked if she planned to hold a community meeting, so that the neighbors could express their concerns as a community.

**Ms. Kamangar** stated that both properties were put out for a public bid process where a number of developers expressed interest. They were in contract to purchase on both properties. If the flat pad approach was used, the cut and fill would be used on both sites, with a significant portion going towards filling the hole left from the water storage tank on the SFPUC property. She agreed that it was more cost effective to be able to use excess soil from the ACWD site on other portions of the site or on the SFPUC site. However, it was a benefit to the neighbors, also, because they would not have truckloads of soil trucked through their neighborhood. The two properties were on slightly different tracks, because the ACWD property was already zoned for residential, and the SFPUC property would have to go through a General Plan amendment and be rezoned. They hoped that the site work on both properties would be done at the same time. If not, the soil would have to be stockpiled on the ACWD site until it could be moved. They planned to build 30 homes on the SFPUC site. Standard business practice was to send a letter to all the neighbors informing them of Greenbriar's intent and offering to meet with them. She had met with approximately 20 of the neighbors who had contacted her. She agreed that a community meeting could be held with the neighbors.

**Commissioner Lydon** asked what percent of the need for fill on the SFPUC site would be satisfied by the dirt removed from the ACWD site.

**Ms. Kamangar** guessed that approximately 40 percent of 7,000 cubic yards would be used to fill the water tank hole.

**Commissioner Lydon** surmised that if just 40 percent of the hole would be filled, it seemed that dirt would still have to be trucked in.

**Ms. Kamangar** stated that the sites would be balanced if the flat-pad approach was used.

**Joseph Azar**, Jerry Johnson Azar Associates, replied that the remaining dirt needed to fill the water tank hole would come from the San Francisco site.

**Commissioner Weaver** asked why not wait until the San Francisco site was ready to be developed along with the ACWD site, rather than developing the sites separately. What kind of deadlines did Greenbriar face with the contract with the ACWD property?

**Ms. Kamangar** replied that the two different entities went to bid at different times, they had different contract structures and the ACWD site was a slightly shorter process. They hoped that they two would catch up to each other and both sites would be developed at once. The contracts had certain time constraints that required Greenbriar to reach certain milestones. There was an end of feasibility period with deposits along the way. They believed that a dialogue with the Commission about the building pads was important before proceeding further.

**Brad Durga**, Greenbriar Homes, replied that the company had two separate contracts with the two entities. They needed to be able to assess the probability of success in obtaining an entitlement, before committing more financial resources. They hoped to impact the neighborhood less by constructing the homes on both properties at the same time. However, the ACWD property was already zoned residential and it seemed prudent to move the process forward with that property at this time. It was a risk issue for Greenbriar by waiting for the SFPUC property to be rezoned.

**Commissioner Sharma** stated that he heard from the applicant that they would “pile dirt somewhere” while waiting for the SFPUC site to catch up. He was not convinced that making a decision for both sites was the prudent thing to do when no one knew when the other site would be ready for construction.

**Mr. Durga** stated that, obviously, the process on the ACWD parcel was further along than the process for the SFPUC parcel. However, if the two parcels were developed independently, it would be inconvenient for both the neighbors and his company. He emphasized that the visual impact would be significantly better with flat pads. The San Francisco site would need more fill than would be created by grading and it could be satisfied by using dirt from the ACWD site.

**Ms. Kamangar** stated that a preliminary site plan, coupled with a preliminary grading plan, for both properties had been created and the quantities needed were known.

**Commissioner Lydon** stated that many entities were a part of this action; Greenbriar, the neighborhood, the City of Fremont and the SFPUC and the ACWD. To build this development in a fragmented state was not in the city’s nor the residents’ best interests. He asked if an effort had been made to bring the city, the SFPUC and the ACWD together to a common discussion. He feared that the ACWD property would be developed and later the parcel next door would be developed, which would cause twice the upheaval than doing it all at one time.

**Mr. Durga** explained that they were taking both property owners into consideration. Alameda County knew about the contract with San Francisco, but was not willing to accommodate it. The City of San Francisco was a huge entity and would move forward in their own time. If Greenbriar did not develop the ACWD property, it would go back out for bid and someone else would buy it, which would entail two different development projects with two competing interests. The gap between the two processes would not be significant. It was not feasible to expect the timelines to be the same for both properties.

**Commissioner Lorenz** disclosed that he had spoken with the applicant and some of the neighbors. The concern was that the SFPUC property may not be available for the rest of the development and that it was not a “sure thing.”

**Mr. Durga** replied that the SFPUC site would be developed by Greenbriar, regardless of what happened with the ACWD site, and it was going take longer to obtain the entitlements.

**Chairperson Harrison** summarized the above comments: Greenbriar was fairly certain that they would be able to develop the San Francisco site. For the record, Greenbriar’s view was that it was within the Planning Commission’s purview to approve flat pad building sites. They believed that the flat pad would be less obtrusive when viewed from below, less dirt would be moved onto and off of the sites, and the cut for the flat pads on the ACWD site would provide fill for the SFPUC site.

**Chairperson Harrison** opened the public hearing and reminded the speakers that they would be allowed three minutes to speak.

**Susan Gearhart**, with Measure T, expressed concern that only one road would be available into this high fire danger area. The toe of the hill should not have been included in the staff report, because it was not to be considered at this time. A split pad on undulating land was the best way to go. Looking at both kinds of pads from just one angle was deceiving. Measure A requirements were kept with the passage of Measure T and it should not be ignored.

**Tom Morse**, Canyon Heights Drive resident, preferred that both parcels be developed as one project. He asked that with the split-level pads, only one story be allowed above a garage, rather than two stories, to keep the height down and reduce the visual impact.

**Geoff Steel**, President Canyon Creek Terrace Homeowners Association, stated that the traffic generated by this development would impact the 19 homes that made up the association. It was obvious that whatever decision was made concerning the kind of building pad allowed would also impact the SFPUC property. Greenbriar Homes had held a meeting with the HOA approximately two weeks ago and the additional information that was requested from them had not been forthcoming. There was much information in the staff report that he was not aware of. It was distressing that the “ink on Measure T was barely dry and, already, people are trying to avoid it.” He agreed with staff’s recommendation.

**Commissioner Sharma** asked if the speaker wanted nothing to be constructed on this parcel until the SFPUC parcel was ready to be developed.

**Mr. Steel** felt that it would not make much difference to the homeowners in his association, but it seemed that it would be better for the city if the two parcels were developed at the same time.

**Alice Piper**, Deer Road resident and member of Friends of the Hill, stated that neither she nor her neighbors had received a letter from Greenbriar Homes. However, two of her neighbors had contacted Greenbriar and had private meetings with them. The view from where the photo was taken was very different from Deer Road, which was very narrow and garbage trucks found it very difficult to get up and down the road. A new, 2800 square foot home was built next to her and, as a result, she had no privacy in her yards or in her 900 square foot home. She was opposed to this project. This area could not handle the extra traffic and congestion from more homes.

**David Pye**, Canyon Heights resident, supported staff’s recommendations and that Measure A and Measure T would not be complied with as proposed by the applicant. He read Section 18 from Measure T, “This ordinance does not affect the validity of existing parcels, development, structures and uses that are legal at the time it becomes effective. However, parcels, developments and structures and uses may not be expanded or changed in ways that are inconsistent with prohibitions, the limits and requirements of this ordinance.” He read other Sections from Measure T that illustrated his argument that each four-acre parcel should have only one structure.

**David Critchfield**, Canyon Heights Drive resident, believed that the answer the applicant gave to Commissioner Chan skirted the question. They do not yet own the properties and the transaction was not yet completed. He and other Canyon Heights Drive residents had met with Greenbriar and had reviewed the plans for the two parcels. He expressed concerns, such as the toe of the hill was not in the right place. Some believed that the toe of the hill should be drawn down at the railroad tracks. The neighborhood consisted of single-story dwellings of 900 to 1,200 square feet and the planned 30-foot high stucco homes were uncharacteristic of anything that was currently there. He asked that a public hearing be agendized so that the community could air their specific issues.

**Ann Finlinson**, Canyon Heights Drive resident, stated that her home was adjacent to the SFPUC property. In her opinion, the proposed development would have a negative impact on the complex animal and plant habitat in the area. She asked that faunal and floral inventories and a comprehensive environment study of the affected properties be conducted.

**Anke Schwanti**, Deer Road resident, stated that her property faced both parcels on which this development was to be constructed. She concurred with everything said by her

neighbors and she was opposed to the project, as it would impact the quality of all the neighbor's lives.

**David Koll**, Deer Road resident, feared increased traffic on what was now a short, dead-end road, which, in his opinion, could not accommodate more traffic. He wondered if sidewalks would be required in the future, since this development would cause the area to become "citified."

**Commissioner Lorenz** disclosed that he had met with the speaker earlier today. He asked the status on the lots that he had pointed out on the map.

**Planning Director Schwob** replied that a subdivision map was approved by Council approximately six months ago, which allowed for five lots where, originally, there was one home. The developer could propose to build on those lots at any time.

**Mr. Koll** stated that a Council Member had estimated the project would start in approximately three years. He reiterated that the road could not accommodate the increased traffic.

**Dawn Sommers**, Canyon Heights Drive resident, stated that the photo was taken from her driveway. She also opposed the development and had voted for Measure T to protect the hills. She questioned the developer's motives, as they did not seem to want to meet with the neighbors as a group and some of the Commissioners' questions were not answered.

**Chairperson Harrison** asked her opinion of which grading pad would she prefer to be behind her home.

**Ms. Sommers** stated that the less intrusive the better. It seemed that the single pad would accomplish that.

**Commissioner Lorenz** clarified that if development did happen, the speaker would prefer that her view to the hills remain as open as possible.

**Ms. Sommers** agreed. She also stated that she had voted for Measure T, because she feared Los Angeles-type landslides could occur behind her if the property were built on.

**Commissioner Chan** asked the speaker which choice would she make between the single pad and the split pad.

**Ms. Sommers** believed the single pad would be less intrusive and the homes would not be as high and intrusive.

**Pat Mullen**, Canyon Heights Drive resident, believed that the selling of the two properties was made without the knowledge of the area homeowners and under the "cloak of darkness." He asked what the construction time period would be, from start to finish, as he was not looking forward to the noise and air pollution that would disrupt the current serene environment. The currently planned two-story homes would create an invasion of the current residents' privacy. He also worried about landslides.

**Jebadiah Ross**, Old Canyon Road resident, had the same concerns as expressed above. He had purchased his home because he did not want to see buildings in the hills and he did not want live in San Francisco. He wanted to be able to see the grass, trees and animals on the hills. He wondered if the road could accommodate the heavy machinery needed to construct the new homes.

**Commissioner Lorenz** congratulated the speaker for owning a home at 27 years old.



**Chairperson Harrison** called for a recess at 9:30 p.m.

**Chairperson Harrison** brought the meeting back to order at 9:42 p.m.

**Ms. Kamangar** closed by stating that change was difficult and the previous speakers had viewed the beautiful, pristine hills for a long time. She pointed out that the ACWD property was zoned residential and her project was a classic case of infill. Many of the questions that were brought up by the speakers would be addressed when the development proposal was heard by the Planning Commission. She reminded everyone that the Commission was being asked for direction about how the pads, only, should be graded at this time.

**Chairperson Harrison** noted that the major concerns expressed by the speakers were an EIR, access safety and public access. He asked staff to comment about these issues that would be addressed when the development proposal came back to the Commission. Was the applicant correct when she stated that the Commission had the purview to decide between the single pad and split pad?

**Planning Director Schwob** replied that environmental review would have to be performed on the project sites and the applicant had been asked to provide infrastructure and drainage information studies. Staff would evaluate them and, in many cases, they would be peer reviewed by consultants. Yes, those things would come back to the Commission with the overall design of the project. An environmental document would be noticed and the public would be allowed 20 or 30 days to comment on it, as well as being able to make comments at the public hearing that would be held before the Planning Commissions. City staff had no information on the SFPUC site, so could not make a determination as to whether a balance could be made between the cut on the AWCD site and the fill on the SFPUC site.

**City Engineer Hughes** stated that the real purpose of this hearing was to have a discussion concerning the type of grading to be used in this project. The earthwork issues were not before the Commission and they had not been analyzed by staff.

**Chairperson Harrison** asked how the properties were zoned.

**Planning Director Schwob** stated that the ACWD property was zoned Single Family Residential - Hillside Combining District. Single Family Residential allowed five to seven units per acre and the Hillside Combining District required larger lots when the slope of the land increased. However, the applicant was not proposing the maximum density on the site.

**Chairperson Harrison** asked questions of staff and Planning Director Schwob answered:

- *If the lowest density were used, a minimum of 20 houses would be allowed?*  
Agreed. The potential was much higher than was being proposed by the applicant.
- *What other alternative was there? Could the lots be sold off to a developer and each house built individually?*  
If a subdivision was approved within the current zoning district and if the lots were sold off or developed independently, the staff would review each home through the Development Organization to make sure that it complied with the Hillside Combining District, in particular, i.e., the overall height of the home to the highest ridge could not exceed 30 feet, the setback and other code requirements.
- *Was the split pad and flat pad issue at this hearing relevant to Measures A and T?*  
The grading of the pads was definitely relevant to Measure A. With regard to Measure T, staff was relatively confident that the toe of the hill line would not move more than a few feet in either direction in this area of the city.

- *If the Commission approved the flat pad approach and the toe of the hill was moved to encompass this area, would that approval be voided?*  
Should that occur, "all bets are off."

**Chairperson Harrison** asked the applicant if she would be willing to work with staff after the toe of the hill line was determined.

**Ms. Kamangar** replied that after the determination was made, whatever it might be, Greenbriar would be happy to work with staff and she was confident that agreement could be reached.

**Commissioner Lydon** asked for clarification of **Chairperson Harrison's** questions. Assuming the toe of the hill was not an issue, what would be the consequences of approving the flat pad, as it related to the adjoining SFPUC parcel?

**Chairperson Harrison** stated that he was trying to bring the discussion back to the single issue of the flat pad versus the split pad and if the Commission accepted the applicant's request to grade flat pads and if Council approved it and, then, if the toe of the hill was drawn in a portion of the parcels, "all bets are off." The applicant agreed to understand and accept where the toe of the hill eventually was decided and the Commission's decision tonight would not affect that. He asked if a study been performed that would answer the question of the SFPUC site.

**Ms. Kamangar** stated that a preliminary layout had been done, but the ACWD site was steeper than the relatively flatter, gently rolling SFPUC site.

**Commissioner Lydon** asked if the ACWD site development would come back to the Planning Commission for review and approval, regardless of what was decided tonight.

**Planning Director Schwob** agreed that the subdivision would come back to the Commission with the subdivision designed in accordance with tonight's decision, although new information could change the Commissioners' minds.

**Commissioner Chan** asked when this area had been rezoned.

**Planning Director Schwob** opined that it may have been partially rezoned sometime between 1981 and 1983 when Measure A was passed, because the toe of the hill line shown on the map was the Measure A toe of the hill line, which was slightly different since Measure T, because current technology allowed for more detail.

**Commissioner Chan** thought that many of the speakers were probably residents after Measure A was passed and should have known that development would occur. She noted that correspondence received from Annette and Gerald Jong stated that they had been reassured that the property would not be developed and would remain open space.

**Planning Director Schwob** guessed that at least a portion of this property had probably been zoned R-1-6 (H-I) with the Hillside Combining District, along with the whole neighborhood, since the 1950s or 1960s. If it was changed after Measure A, it would have been done throughout the city and a notice would have been in the newspapers, rather than noticing the individual property owners. Staff thinks of the hillside as the area above the toe of the hill and that area would have very reduced potential under Measure T, one unit per 20 acres. That area is owned by East Bay Regional Parks and was unlikely to be developed, which may be the basis for the Jong's belief.

**Commissioner Lorenz** asked for comment concerning the size of the lots in the proposed development.

**Ms. Kamangar** replied that the lots would average 12,000 square feet.

**Commissioner Chan** asked what the duration of construction might be, as voiced by one of the speakers.

**Ms. Kamangar** envisioned that the site improvements would take approximately six months with the project completed within one and one-half years, for both of the properties.

**Chairperson Harrison** closed the public hearing.

**Commissioner Sharma** asked if the “house fitting the hill rather than the hill fitting the house” concept was not adhered to, especially now that Measure T was being implemented, how would the city refuse other developers who might want to do the same in the future?

**Planning Director Schwob** replied that staff believed that Measure A required what he had described and that had been interpreted in ordinances for the hill area. Staff believed that a stepped pad was best way to achieve consistency with the intent of Measure A. He agreed that staff might see other requests to do the same.

**Commissioner Lorenz** recalled that, during his short time on the Commission, he had seen other issues of neighborhood communication about these types of projects. He asked staff to reiterate what the applicant was required to do when it came to communicating with the neighbors.

**Planning Director Schwob** answered that there was no city code that required the applicant notify the neighbors, but when the item came before the Planning Commission or the City Council, the legal requirement was a 300-foot radius from the property boundary that was being considered. In this instance, the city notified neighbors within a 300-foot radius of both properties, because the Commission’s recommendation would affect both of these properties.

**Chairperson Harrison** added that his research showed some discretion was allowed in the hill area that could be developed and some discretion under Measure A and, virtually, no discretion under Measure T. He asked if the Commission could base a decision to approve a flat pad on the finding that the visual impact would be less intrusive.

**Planning Director Schwob** stated that the city had interpreted Measure A through its policies and ordinances and he agreed that to achieve its purpose, it allowed development to “be done in a different way in order to achieve a different purpose, perhaps.” Staff believed the Measure A not only directed that views be minimized but, and he read from Measure A, “All development shall be designed to minimize disturbances of the natural terrain and vegetation.” One vantage point did not necessarily mean that the homes would look the same from every perspective. There was another way to build a stepped pad that would not necessarily result in a building height that would be perceived as higher.

**Chairperson Harrison** asked staff if the applicant was looking for a consensus from the Commission on the issue, rather than a formal vote.

**Senior Deputy City Attorney Seto** replied that a vote would be best, because it would be a recommendation to City Council.

**Commissioner Weaver** commented that it was “the exceptions which cause us the most trouble.” A flat pad house in this area would be an exception and she would not support it.

**Commissioner Sharma** agreed. The mass of a structure looked different when it did not follow the contour of the hill. He would support staff’s recommendation.

**Commissioner Lorenz** felt that the most poignant statement was **Planning Director Schwob's** comments about Measure A. However, Mrs. Sommers said that she felt, as he did, that the flat pad would have less visual impact to her. As he had driven around the area, he could not see where this development would be located at all. When he got to Canyon Heights and had looked at the photos, he believed the flat pad design would be best. He noted that he owned a home on a different portion of Canyon Heights Drive and when he bought the house with a view of the hills, he knew that the land behind him would be developed. It has since been developed and he now looked at the side of a house where he used to have a view of the hill. He would have preferred a flat pad, because it would have lowered that home.

**Commissioner Chan** recalled that the two people who were asked favored the flat pad, which was what the developer was proposing. She agreed that the perception of mass was a matter of perspective. The Commission should use the hillside initiatives to guide its decision.

**Chairperson Harrison** joined Commissioner Lorenz in approving the request. Measure A did grant a few exceptions with regard to massing and visual impact on the neighborhood. He understood that the neighbors would prefer that nothing be built there, but the zoning was there and something was going to be built on that property. The flat pad was the best way to protect the neighborhood.

**Commissioner Chan** strongly encouraged the applicant to keep the neighboring communities "in the loop" by holding community meetings to hear their concerns and to allow them give input, which would allow "the buy-in of the neighbors so that they, at least, express their concerns and work with them and try to incorporate their recommendations as best as possible." Taking this path had worked many times within the city, with developers, the city and the community working together to obtain a satisfactory product that people could live with.

**Chairperson Harrison** pointed out that if the Measure T toe of the hill line came forward, "all bets are off." This decision was "not cast in stone." He agreed that a community meeting should be held.

IT WAS MOVED (SHARMA/WEAVER) AND CARRIED BY THE FOLLOWING VOTE (4-2-0-1-0) THAT THE PLANNING COMMISSION **HOLD PUBLIC HEARING;**  
**AND**

**APPROVE STAFF RECOMMENDATION**

The motion carried by the following vote:

AYES:	2 – Sharma, Weaver
NOES:	4 – Chan, Harrison, Lorenz, Lydon
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

**Commissioner Lydon** asked if the following recommendation entailed that Greenbriar redesign their plans using a flat-pad design and understanding that the recommendation "was not set in stone."

IT WAS MOVED (LORENZ/CHAN) AND CARRIED BY THE FOLLOWING VOTE (4-2-0-1-0) THAT THE PLANNING COMMISSION **RECOMMEND THAT THE FLAT-PAD DESIGN BE RECOMMENDED TO CITY COUNCIL, SUBJECT TO PEER REVIEW OF THE INFORMATION RECEIVED;**

**AND**

**APPLICANT HOLD COMMUNITY MEETINGS TO FACILITATE COMMUNICATION CONCERNING THE PROEJCT;**

**AND**

**RECOMMENDATION COULD BE CHANGED DUE TO THE FACT THAT THE FLAT PAD COULD NOT BE ALLOWED**

**AND/OR**

**RECOMMENDATION COULD BE CHANGED DUE TO THE FINAL LOCATION OF THE TOE OF THE HILL OF THE HILL LINE.**

The motion carried by the following vote:

AYES:	4 – Chan, Harrison, Lorenz, Lydon
NOES:	2 – Weaver, Sharma
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- Information from Commission: Commission members may report on matters of interest.

**Commissioner Chan** asked if the Planning Commission could be notified when City Council was scheduled to hear an appeal.

**Planning Director Schwob** promised that he would email the schedule for an appeal to the Planning Commission and he could report back on the Council's actions. The Planning Commission had recommended approval of the Sunnycrest subdivision and the City Council had upheld the Commission's approval. Another appeal hearing would be heard on the Ocotillo parcel map on March 22<sup>nd</sup>, which had been denied by the Commission.

**Commissioner Weaver** asked about the date for the Planning Commission's annual dinner.

**Planning Director Schwob** replied that if there was no meeting to be held on April 14<sup>th</sup>, that date should be available and all Commissioners would have that date available. Staff would know in about a week if that meeting was going to occur and if the meeting was going to be held, staff would call each of the Commissioners about another date. He asked if either a Monday or a Wednesday would be the best days.

After some discussion, it was decided the first and third Monday would be best.

**Commissioner Lydon** asked if there was some way to avoid the issue of letters being presented to the Commission at the last minute, as they were difficult to read before the meeting started.

**Planning Director Schwob** stated that staff always encouraged applicants and residents calling in response to the notice to get their letters to staff in advance of the meeting. He suggested that something could be added to the notice.

**Chairperson Harrison** complimented staff on the "new habit" of reading the names of people who sent correspondence into the record.

Discussion ensued concerning last-minute letters and it was decided that adding something to the website would be helpful.

Meeting adjourned at 10:35 p.m.

SUBMITTED BY:

Alice Malotte  
Recording Clerk

APPROVED BY:

Jeff Schwob, Secretary  
Planning Commission